THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 10938 OF 2005

DATED:08.08.2005

Between:

M.Pardhasaradhi, S/o.Krishnamachary,

Aged about 57 yers, working as Manager

(under suspension) District Cooperative

Central Bank Ltd., Eturunagaram, Warangal District.

……PETITIONER

AND

1.The Warangal District Cooperative Central

Bank Ltd., rep. by its General Manager, Subedari,

Hanmaknoda Warangal District and another.

……RESPONDENTS

THE HON'BLE MR JUSTICE S. ANANDA REDDY

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ORDER

This Writ Petition is filed by the petitioner aggrieved by the show-cause notice, dated 12.5.2005 issued by the disciplinary authority proposing to impose suitable punishment against the petitioner basing on the enquiry report.

The grievance of the petitioner is that the disciplinary authority had considered the findings of the enquiry officer and came to the conclusion as to the findings even before giving an opportunity to the petitioner. The said action of the disciplinary authority is not in accordance with law and therefore, sought to set aside the show-cause notice. The learned counsel also contended that the action of the respondents is in violation of the Judgments of the Supreme Court reported in **MANAGING DIRECTOR, E.C.I.L. HYDERABAD V. B.KARUNAKAR** and **PANJAB NATIONAL BANK V. KUNJ BEHARI MISRA**.

On the other hand, learned counsel appearing for the respondent-Bank has fairly conceded that the impugned show-cause notice is not in accordance with the Judgments of the Supreme Court, but, however, suggested that the said show-cause notice may be treated as a show-cause notice and the petitioner may be directed to submit his explanation, which shall be considered by the disciplinary authority before taking a decision, either to impose punishment or otherwise.

Heard both sides and considered the material on record.

The grievance of the petitioner is that the show-cause notice, dated 12.4.2005 was issued in violation of the principles of natural justice as contained in the above referred judgments of the Supreme Court and therefore, the same is liable to be set

aside. At the time of hearing, it is represented that the petitioner is due for retirement by the end of this month.

Under the above circumstances, the findings recorded in the impugned show-cause notice to the extent of agreeing with the findings of the enquiry officer are set aside, but not the entire show-cause notice. The petitioner is directed to submit his explanation within two weeks from today with reference to the findings of the enquiry officer and thereafter, the disciplinary authority is directed to consider the explanation with reference to the findings of the enquiry officer and pass appropriate orders including the punishment, if any proposed.

The Writ Petition is disposed of accordingly. No costs.

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S. ANANDA REDDY,J

08TH AUGUST 2005

Note: Issue C.C. in two days.

(B/o)

Tsr